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C O N F I D E N T I A L SECTION 01 OF 02 BOGOTA 002854

SIPDIS

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TAGS: PHUM PGOV KJUS CO

SUBJECT: DUTCH-FUNDED COLOMBIAN ANTI-IMPUNITY PROJECT  
LOOKING FOR NEW DONORS

Classified By: Ambassador William B. Wood for reason 1.4(d).

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SUMMARY  
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1. (U) For the past six years, the Government of the Netherlands (GON) has supported GOC efforts to investigate and prosecute high-profile human rights cases. In June 2003, the GON agreed to donate 340,000 USD to finance a two-year Anti-Impunity Project focused on resolving prominent cases and developing an official GOC policy to combat impunity. The Project is administered by the local office of the UNDP and managed by two special committees: the Technical Committee (TC), which selects cases for funding, and the high-level Special Impetus Committee (CEI), which establishes policy and reviews progress. The TC has designated 170 cases as eligible for Project funding, including a majority of the last decade's most notorious massacres and political murders. The cases are divided proportionally among alleged abuses by the State, paramilitaries, and guerrillas. The Dutch, who participate in the committees as observers, have asked that the Project prioritize cases of alleged State misconduct. In December 2004, the CEI produced a document outlining the GOC's new public policy against impunity. The GON is hiring outside experts to evaluate the Program, and will probably continue to fund it -- although perhaps at reduced levels -- if the evaluation is positive. The GON is encouraging other governments interested in human rights, including the USG, to support the Project. End Summary.

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Background  
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2. (C) In 1998, the Government of the Netherlands (GON), in consultation with relevant Dutch NGOs, decided to dedicate a significant percentage of its foreign assistance to Colombia to address the issue of impunity. To accomplish this goal, the GON worked with the administration of former President Andres Pastrana to subsidize, beginning in 2000, the investigation of high-profile human rights cases stalled in the Colombian judicial system. The GON provided piecemeal assistance for specific cases, but was generally disappointed by GOC officials' seeming lack of enthusiasm for the initiative and reluctance to face unpleasant realities about corruption and inefficiency in the judicial system. Dutch DCM Arno Ambrosius, who managed the initial phases of the GON initiative, said the GON was "unhappy with the response [it] received from the Pastrana administration and its lack of will to go after important cases. Instead, [the GON was] left seeing results from only minor cases." With the Uribe administration's inauguration in August 2002, the GON began to notice a gradual improvement in the GOC's motivation to address sensitive human rights cases. As a result, in June 2003 the GON and GOC designed a new two-year plan to address high-profile cases and develop a permanent public policy to address impunity.

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Funding  
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3. (SBU) The GON financed its new Anti-Impunity Project with approximately 340,000 USD, administered locally by the Colombia office of the United Nations Development Programme (UNDP). Local UNDP officials distribute funds for investigations to relevant GOC entities such as the Prosecutor General's Office ("Fiscalia") and Inspector General's Office ("Procuraduria") consistent with the project's case priorities. According to Ambrosius, the Anti-Impunity Project's flexibility in funding needs as diverse as investigators' per diem, gasoline, and forensic tests "eliminates any excuses the GOC might have not to pursue these cases."

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Case Selection and Program Coordination  
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4. (C) Two special committees manage the Anti-Impunity

Project. The Technical Committee (TC) selects the cases the Project will fund. It meets about four times a year and is composed of working level representatives from the Presidential Program for Human Rights (PPDH), the Fiscalía, the Procuraduria, and the Colombia office of United Nations High Commissioner for Human Rights (UNHCHR). The GON participates as an observer without voting privileges. According to Alberto Lara, the PPDH's director of the Anti-Impunity Project, the TC has designated 170 cases as eligible for Project funding, including nearly all the high-profile massacres and political murders that have occurred in Colombia over the past decade. The 138 cases listed in the TC's latest report (December 2004) are distributed roughly evenly among abuses blamed on Government forces, paramilitaries, and guerrilla organizations such as the FARC and ELN. Ambrosius told Embassy officials the Dutch have emphasized the need to prioritize investigations of alleged State misconduct, arguing that such inquiries are the surest way to demonstrate the legitimacy and value of the Project. He added, however, that the GON is disinclined to take overt credit for this emphasis or the success of any particular investigation, noting that his Embassy's security is not what it could be.

15. (U) The Special Impetus Committee ("Comiti Especial de Impulso," or CEI) is a high-level group that meets at least twice a year to establish Project priorities and policies, coordinate inter-agency cooperation, and review progress on specific cases. The members of the CEI are the Vice-President, the Inspector General ("Procurador"), the Vice-Minister of Justice, the National Director of Public Prosecutors (the third-ranking official in the Fiscalía), the President of the Supreme Council of the Judiciary (CSJ), the National Human Rights Ombudsman ("Defensor del Pueblo"), the Director for Justice and Defense Issues at the National Planning Department, the Director of the Fiscalía's Human Rights Unit, the Director of the Procuraduria's Human Rights Office, the Director of the PPDH, the PPDH's Anti-impunity Project Director, the PPDH's Human Rights Coordinator, the GOC's External Advisor for the Anti-Impunity Project, the Director of the Colombia office of the UNHCHR, and the Director of European Union's Colombia Cooperation Office, with the Dutch DCM and Technical Cooperation Officer present as observers. The Vice-President and senior Fiscalía officials must attend every CEI meeting. The CEI met five times in 2004.

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Public Anti-Impunity Policy  
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16. (U) In December 2004, the CEI satisfied a GON priority by producing a document outlining the GOC's public policy to combat impunity, which will govern the investigation and prosecution of prominent human rights crimes. Some noteworthy elements of the new public policy include improving training for investigators and prosecutors, strengthening coordination between the Fiscalía and Procuraduria and other national and local government entities, strengthening protection programs for victims, witnesses, investigators, and prosecutors, and enhancing the financial and organizational resources available for special field investigations.

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Future Funding  
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17. (U) Both the GOC and GON told Embassy officials they are cautiously optimistic about the Project's potential to help improve the human rights environment over the long term. Ambrosius said the GON hopes that other governments, including the USG, will join it in supporting the Anti-Impunity Project. Current GON funding for the Project will expire in June 2005. The Embassy of the Netherlands plans to hire a team of three outside experts beginning in May 2005 to evaluate the project. If the critique is positive, the GON will most likely continue some level of funding. However, Ambrosius emphasized that it is in the interests of the entire international community, particularly those countries focused on human rights, to support the Project and build momentum with the GOC to overcome the institutional inertia of impunity.

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